

DOCKET NO. MCP-297

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: PAREKH, Kishor B.
Serial No.: 09/970,436 Art Unit: 1615
Filed : February 3, 2001 Examiner: DiNola Baron
For : Subcoated Simulated Capsule-Like Medicament

I hereby certify that this correspondence is being facsimile to 703-746-3954
Assistant Commissioner for Patents, Washington, D.C. 20231 on

September 4, 2002
(Date of Deposit)

Joel A. Rothfus
Name of applicant, assignee, or Registered Representative

(Signature)

09/06/2002 YCHADWIC 00000001 100750 09970436

September 4, 2002
(Date of Signature)

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Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER UNDER 37 CFR \$1.321(b)

Dear Sir:

The owner, McNeil-PPC, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,120,801. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant

application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Terminal Disclaimer fee under 37 CFR §1.20(d) of \$110.00 and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/MCP297/SHH. Three copies of this sheet are enclosed.



Joel A. Rothfus
Reg. No. 33,277
MCNEIL-PPC, INC.
Assistant Secretary

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2722
Date: September 4, 2002